

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Ann Magdalena Neitz : Case No: 17-52443
Debtor(s) : Chapter 13 Judge: C KATHRYN PRESTON
: Amended Schedules filed 8/3/17

FIRST AMENDED

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income _____ Below median income X

X **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

X Other: **To verify that Debtor's plan satisfies the liquidation analysis of 11 USC 1325(a)(4), the feasibility requirement of 11 USC 1325(a)(6), and the disposable income requirement of 11 USC 1325(b), the Trustee requests the following documentation:**

- 12 months of personal bank statements;**
- 12 months of business bank statements;**
- 12 month profit and loss statement for Debtor's LLC;**
- List of Assets and Liabilities for Debtor's LLC;**
- Any documentation related to Debtor's payroll service, GMS**

Debtor's Schedule I lacks a statement of gross business income along with ordinary and reasonable business expenses and net business income as required by Line 8(a).

Debtor's proposed plan does not cure the pre-petition lease arrears of Financial Pacific Leasing, Inc. by the termination date of said lease.

Per 341 testimony, Debtor's LLC is a co-signer of some of Debtor's scheduled debt; however, Debtor's LLC is not disclosed on Schedule H as a co-debtor.

X **11 U.S.C. §1325(a)(4)**-Plan does not meet the best interest test.

X Trustee is unable to accurately determine best interest.
Schedule A/B does not disclose Debtor's interest in, or any

value of, Flawless Landscaping and Tree Service, LLC.

 X **11 U.S.C. §1325(a)(6)**-Plan is not feasible based on income, living expenses, and plan payments. **The amount of domestic support received by Debtor is overstated.**

 X **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Debtor is \$2,425 delinquent in plan funding through the July 19, 2017 plan payment.**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for October 05, 2017, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: \$4580 x 3 months; \$5550 x 6 months; \$5850 x REM

Best Interest Dividend: 0% Dividend: 1%

Length: 47 Months

 X Creditors CFC Investment and Wells Fargo have filed general unsecured proofs of claim. The Trustee's length projection of 45 months includes payment of these claims as general unsecured claims.

Dated: August 17, 2017

Respectfully submitted,

/s/ **Frank M. Pees**

Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085
(614) 436-6700
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: August 17, 2017

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300